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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,086	08/20/2003	Ishay Rabinowitz	25646	4960
20529	7590	07/20/2006	EXAMINER	
NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			HWU, DAVIS D	
			ART UNIT	PAPER NUMBER
			3752	
DATE MAILED: 07/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/644,086	Applicant(s) RABINOWITZ, ISHAY	
	Examiner Davis D. Hwu	Art Unit 3752	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 20 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 8-15 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 3, 5, 7, 11, 16, 17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. Applicant's amendment and arguments of June 9, 2006 are acknowledged and entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

3. Claims 1, 2, 4, 8, 10, 12-15, and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bright, Sr.

Bright, Sr. discloses a pipe 10 connectable to a pressurized fluid source via a first end of the pipe, the pipe comprising a drip-irrigation plug emitter 12 mounted integrally therein, the plug emitter having an inlet in fluid communication with the first end of the pipe, a drip outlet in fluid communication with a second end of the pipe, and a flow-restricting path therebetween, the emitter plugging the pipe with respect to any fluid flow except for the flow through the flow-restricting path. Bright, Sr. also discloses a process of extruding the pipe and installing the emitters onto the extruded pipe. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the emitter to the pipe during the extrusion process of the pipe through the teaching of Bright, Sr. Cutting a continuous long pipe into a plurality of sections as recited in claim 2 is an obvious matter in the design process in order to provide a plurality of emitters. Regarding claim 4, the plug emitter would form a swelling at the outer surface of the pipe upon installation.

Art Unit: 3752

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bright, Sr. in view of Dumitrascu et al.

Dumitrascu et al. teaches a drip irrigation tube comprising drip emitters 12 having a flow restricting path formed as a flow labyrinth to reduce the flow rate and pressure of the water discharged. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the emitter of Bright, Sr. by providing a flow restricting path formed as a flow labyrinth as taught by Dumitrascu et al. to reduce the flow rate and pressure of the water being discharged.

5. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bright, Sr. in view of Dumitrascu et al. as applied to claim 8 above, and further in view of Hunter.

Hunter teaches a drip irrigation system comprising a filter 116 in the flow passageway to filter out particles and prevent clogging. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Bright, Sr. and Dumitrascu et al by incorporating a filter means upstream of the flow labyrinth as taught by Hunter to filter out particles before they enter and clog the labyrinth. Regarding claim 11, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

***Allowable Subject Matter***

6. Claims 3, 5, 7, 11, 16, 17, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed June 9, 2006 have been fully considered but they are not persuasive. The plug emitter of Bright Sr. can be considered to plug the pipe with respect to any flow except for the flow through the flow restricting path if the emitter plug is located on the end of the pipe. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have placed emitters along the entire length of the pipe and one at the very end of the pipe. Bright, Sr. also discloses a portion of the pipe emitter extending into the pipe and therefore the emitter plug is "mounted integrally" in the pipe as seen in Figure 8 because by definition, if the plug is mounted onto the pipe, it is a part of the pipe and is therefore integrally mounted to the pipe. The Applicant only claims that the plug emitter is adapted for mounting inside an extruded pipe which means that any part of the plug emitter can be inside the pipe to meet the claim language. The device of Bright, Sr. obviously comprises a path since without the path the device would not work in emitting water and the strip 16 is clearly not the path and it has not been stated to be a path in a previous office action. Dumitrascu et al. discloses that drip emitters in drip irrigation tube comprising a flow restricting path formed as a flow labyrinth are known in the art for the reasons stated above and Hunter teaches a drip irrigation system comprising the use filters in the flow passageway for the reasons stated above. Claim 23 is a product-by-process claim, and whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable.

***Conclusion***

Art Unit: 3752

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.



**DAVIS HWU**  
**PRIMARY EXAMINER**